

From: Harris L. Gilliam
To: Microsoft ATR
Date: 1/13/02 6:01am
Subject: Microsoft Settlement

Hello,

I am writting as a concerned consumer and professional in the computer indestry to respond to the proposed settlement of the lawsuit against Microsoft. I watched with much interest the trial and events that followed. Many industry experts predicted that Microsoft would indeed be found guilty of anti-competative behavior. They also correctly predicted that Microsoft would use its considerable finacial might to "wait out" its opponents. This is exactly what Microsoft has done. They have dragged out the court battle long enough that the operating systems and products that were originally in question are almost obsolete. They have protected their monopoly position.

The remedies proposed do not go far enough to protect the industry and its consumers from Microsoft's predatory behavior. I welcome the provisions to prevent Microsoft from retaliating against companies that chose to use competetive products. I welcome the provisions that require Microsoft to publish documentation and license APIs. These will provide the posibility for third-party software that competes with Microsoft. Sadly that is all it will do. It will not significantly change the choices that OEMs have because Microsoft has already extinguished all third-party competition. OEMs and other software developers still have a strong financial incentive to *not* compete with Microsoft. There still is no other OS which can replace Windows in the PC desktop market. This is because all the products and software people are dependant on is written for Windows. The duration of Microsoft's monopoly makes it prohibitive for any company to arise and produce an alternative to Windows or Microsoft's consumer products (which, for the most part, work exclusively with Windows).

For so long consumers have been forced to use Microsoft products they have become "slaves" to the software. There isn't a corporate IT manager alive that would attempt to build an office system on anything except Microsoft Windows and Microsoft Office. Schools that train office administrators and secretaries pretty much use Microsoft products exclusively. Redmond would like to have you believe this situation developed because they have superior products. A conversation with anyone who works in an office or the casual reading of a trade publication would dispell that myth quickly. There is barely a day that passes without some report of a security hole or major defect being found in a Microsoft product. The stranglehold that Microsoft has on the industry must be broken. The only way the damage that Microsoft's monopoly has done can be truly remedied is to create a finacial viable market for software which competes directly with Microsoft products.

Possible ways to achieve this include:

- 1) Require that Microsoft produce versions of all its middleware products (IE, Microsoft Office, etc) for non-Microsoft operating systems. This will give OEM's and consumers a choice of what OS to use on their machines. It is clear that there is only a choice if OEMs and consumers can still use the products they have become dependant upon.
- 2) Require that Microsoft publish documentation for and licence not only the APIs that make software compatible with Windows but also the details of the file formats for their Office suite of products. Again this is intended to allow OEMs and consumers to have a choice of what OS to run on their machines. If third-party software can be written which is entirely compatible with Microsoft's file formats then this software would also be free to run on any OS that a competing company chooses.

There are sure to be other ways to achieve the necessary goal of creating a real opportunity for competition with Microsoft. While the currently proposed remedies do much to prevent certain direct monopolistic behaviour by Microsoft it does little to correct the unnatural position Microsoft enjoys in the marketplace. There are few companies in any industry who can consistently produce substandard products, as Microsoft does, and yet not incur the "wrath" of the consumers. When you have no other choice you settle for what you can get. As they used to say about Musolini: "He is a cruel dictator but at least the trains now run on time." The recent attitude Microsoft has shown with regard to its Windows XP product (continued bundling of Microsoft-exclusive software and technologies to stifle competition) and its overall practice of limiting consumer choice demonstrates that Microsoft is not in the least repentant. It is clear to this consumer that they don't plan to change their behavior anytime soon.

The government's decision to not pursue further legal action is a great disappointment. I can only hope the states, who have refused to cave in to Microsoft, fair well in their continued battle. Otherwise I don't expect to see any change in the situation.

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